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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,338	11/13/2001	Gunawan Ali-Santosa	SUN-P7206	3522

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12/22/2004

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EXAMINER

WILSON, YOLANDA L

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,338

Applicant(s)

ALI-SANTOSA ET AL.

Examiner

Yolanda Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/25/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Biondi (USPN 6622246B1). As per claims 1 and 4, Biondi discloses receiving a message from an embedded device, said embedded device comprising a first code space comprising at least one segment and a second code space comprising one or more segments; decoding said message to determine an execution mode of said embedded device; indicating code in said first code space is corrupted if said execution mode indicates said embedded device is executing in said second code space; and indicating said code in said first code space is valid if said execution mode indicates said embedded device is executing in said first code space in column 4, line 61 – column 5, line 29.
3. As per claims 2 and 5, Biondi discloses receiving self-test results from said embedded device if said first code space is valid; and indicating code in said second code space must be restored when said self-test results indicate said code in said second code space is invalid in column 4, line 61 – column 5, line 4 and in column 6, lines 1-7.

4. As per claims 3 and 6, Biondi discloses filtering subsequent communications to said embedded device if said execution mode indicates said embedded device is executing in said second code space in column 6, lines 1-7.

5. As per claim 7, Biondi discloses a memory; a network interface coupled to said memory and configured to receive a message from an embedded device, said embedded device comprising a first code space comprising at least one segment and a second code space comprising one or more segments; a processor coupled to said network interface and configured to decode said message to determine an execution mode of said embedded device, said processor further configured to indicate code in said first code space is corrupted if said execution mode indicates said embedded device is executing in said second code space, and said processor further configured to indicate said code in said first code space is valid if said execution mode indicates said embedded device is executing in said first code space in column 3, lines 29-40; column 4, line 61 – column 5, line 29.

6. As per claim 8, Biondi discloses The apparatus of claim 7 wherein said network interface is further configured to receive self-test results from said embedded device if said first code space is valid; and said processor is further configured to indicate code in said second code space must be restored when said self-test results indicate said code in said second code space is invalid in column 4, line 61 – column 5, line 4 and in column 6, lines 1-7.

7. As per claim 9, Biondi discloses wherein said processor is further configured to filter subsequent communications to said embedded device if said execution mode

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indicates said embedded device is executing in said second code space in column 6, lines 1-7.

As per claim 10, Biondi discloses examining a message received from a remote device to determine an execution mode of said remote device, said remote device comprising a first code space comprising at least one segment and a second code space comprising one or more segments; and indicating validity of code in said first code space based on whether said execution mode indicates said remote device is executing in said second code space in column 3, lines 29-40; column 4, line 61 – column 5, line 29.

Response to Arguments

8. Applicant's arguments filed 10/25/2004 have been fully considered but they are not persuasive. The rejection of claims 1-10 has been maintained in view of Biondi because of non-persuasive arguments given by Applicant. Applicant argues concerning independent claims 1,4,7,10, "Nowhere in this section is 'receiving a message' described or suggested. Nowhere in this section is 'decoding said message' described or suggested."

9. Examiner respectfully disagrees. The cited columns and lines disclosed in claim 1 of the rejection pertain to 'initiating program control' as disclosed in column 4, lines 54-60. The program is trying to determine from which firmware space, the first or the second, the firmware is going to be executing from. The decision concerning the first firmware space is disclosed in column 4, line 61 – column 5, line 4. The decision concerning the second firmware space is disclosed in column 5, lines 5-19. The program control is initiated by instructions that have to be decoded in order for the

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instructions to be executed, which means that the instructions are the messages received and decoded.

10. The arguments concerning dependent claims 2,3,5,6,8,9, which depend from the independent claims listed above, are not persuasive and these claims are still rejected for the same reasons given for the independent claims in this section and in the rejection of these claims disclosed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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TECHNOLOGY CENTER 2100